

CAUSE NO. D-1-GN-20-004507

**WC 4811 SOUTH CONGRESS, LLC and
AFFILIATED COMMERCIAL
SERVICES, INC.**

Plaintiffs,

v.

**4811 SOCO LP, and
BANCORPSOUTH BANK
Defendant.**

§ **IN THE DISTRICT COURT**
§
§ **OF TRAVIS COUNTY,**
§
§ **TEXAS 250th JUDICIAL**
§ **DISTRICT**
§
§

**SUBPOEANA DUCES TECUM AND NOTICE OF INTENTION TO TAKE ORAL
DEPOSITION**

State of Texas

TO ANY SHERIFF OR CONSTABLE OF THE STATE OF TEXAS OR OTHER PERSON AUTHORIZED TO SERVE AND EXECUTE SUBPOENAS AS PROVIDED IN TEXAS RULE OF CIVIL PROCEDURE 176

YOU ARE HEREBY COMMANDED TO SUMMON Bryan Hardeman 6757 Airport Blvd; Austin, Texas 78752 ; Home Address: Bryan Hardeman 2518 Matthews Dr. Austin, Texas 78703

pursuant to Rule 199.1 et seq. of the Texas Rules of Civil Procedure, and you are notified that Plaintiff WC 4811 South Congress, LLC through its counsel, will take the deposition upon oral examination of the above named individual on **October 12, 2020, beginning at 1:30 p.m.** The persons designated must testify about information known or reasonable available to him and shall produce and permit inspection its entire file for 4811 S. Congress in Austin, TX including all contracts he has with any party directly relating to said real property.

This deposition will be taken before an officer authorized by law to take depositions and will continue from day to day until completed. The deposition will be taken by remote video teleconferencing. The deposition testimony will be recorded by videotape and stenographic means. Deponent shall be asked to testify regarding the topics attached in Exhibit A.

The deposition may be videotaped, as well as a webcast to a remote location. The deposition will be conducted via the Zoom webcast platform link at Join Zoom Meeting
<https://us02web.zoom.us/j/84329993264?pwd=S2FCVWVWwDFPUVZwdFl4bEExbzZ3dz>

Meeting ID: 843 2999 3264
Passcode: 579250

EXHIBIT "B"

THE WITNESS SHOULD HAVE A GOVERNMENT-ISSUED IDENTIFICATION TO PROVIDE TO THE COURT REPORTER/NOTARY TO CONFIRM HIS/HER IDENTITY AT THE COMMENCEMENT OF THE DEPOSITION AND BEFORE BEING SWORN.

The appearances will be as follows;

Witness: Bryan Hardeman

Date: October 12, 2020, beginning at 1:30 p.m. CST.

Location of Witness: A location of witness' choosing that has Internet access.

This subpoena was issued at the request of the undersigned attorney.

MANFRED STERNBERG & ASSOCIATES, P.C.



September 30, 2020

Date

Manfred Sternberg
SBN: 19175775
1700 Post Oak Blvd. Suite 600
Houston, TX 77056
Telephone: (713) 622-4300
Facsimile: (713) 622-9899
Email: manfred@msternberg.com
COUNSEL FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of September, 2020, a true and correct copy of the foregoing was forwarded via the Court's electronic filing service and e-mail to the following:

Christopher L.
Dodson Bracewell
LLP
711 Louisiana, Suite 2300
Houston, Texas 77002
Email: chris.dodson@bracewell.com

Mark Riley
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ATTORNEYS FOR DEFENDANTS

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Fax (512) 474-8557
Attorneys for Nonparty Bryan Hardeman



Manfred Sternberg

EXHIBIT A

From: Joseph Marburger <jmarburger@newquest.com>
Date: September 8, 2020 at 11:23:23 AM CDT
To: Joseph Marburger <jmarburger@newquest.com>
Cc: Brad LyBrand <blybrand@newquest.com>, Glenn Dickerson <gdickerson@newquest.com>
Subject: Development Opportunity South Congress

Hello-

I am reaching out on behalf of my partners Glenn Dickerson and Brad Lybrand. We have been working with a co-broker on the attached 14.94 acre site located at 4811 S. Congress in Austin, TX. We feel this site represents a prime opportunity for development. The site can be subdivided and the pricing guidance is \$60 psf. This site was previously owned by World Class Properties and the note has since been purchased by the current owner. The owner will allow for up to 12 months for due diligence and closing. Please let us know if you are interested or have any questions.

Happy to jump on a call and discuss in further detail.

Sincerely,

Joe Marburger

Associate

Office: 281.477.4306

Mobile: 713.897.1654

Email: jmarburger@newquest.com<<mailto:jmarburger@newquest.com>>

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